



**THE CITY OF NEW YORK
LAW DEPARTMENT**
100 CHURCH STREET
NEW YORK, NY 10007

JAMES E. JOHNSON
Corporation Counsel

DOMINIQUE F. SAINT -FORT
Assistant Corporation Counsel
Labor & Employment Law Division
(212) 356-2444
dosaint@law.nyc.gov

May 4, 2020

BY ECF

Hon. Paul A. Engelmayer
United States District Judge
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Re: *Fitchett v. City of New York, et al.*
18 CV 8144 (PAE)

Dear Judge Engelmayer:

I am an Assistant Corporation Counsel in the office of James E. Johnson, Corporation Counsel of the City of New York, attorney for Defendants in the above-referenced action. I write, with the consent of plaintiff, to respectfully request that Defendants be permitted to file certain documents under seal which contains information that is law enforcement sensitive and implicates the personal privacy interests of third parties.

This application is made in along with Defendants' motion for summary judgment motion, and which contains information that is law enforcement sensitive. Specifically, Defendants' request to seal the deposition testimony explaining the composition and protection measures used by the Executive Protection Unit and Uniformed Operations Unit, which are units within the Municipal Security Section of the New York City Police Department's Intelligence Bureau to ensure the security of the Mayor, City Hall, Gracie Mansion and other domestic and foreign officials.

Although Defendants understand the presumption in favor of providing public access to judicial documents, this is precisely the sort of instance where filing documents under seal is appropriate. See Under Seal v. Under Seal, 273 F. Supp. 3d 460, 467-68 (S.D.N.Y. 2017) ("A party may overcome the presumption of access by demonstrating that sealing will further

other substantial interests such as a third party's personal privacy interests, the public's safety, or preservation of attorney-client privilege.") (citing United States v. Aref, 533 F.3d 72, 83 (2d Cir. 2008); see also United States v. Amodeo, 71 F.3d 1044, 1050-51 (2d Cir. 1995). Requiring the documents at issue to be publicly filed would undermine the privileges being asserted. In light of the foregoing, Defendants respectfully request that the Court permit Defendants to file the identified document under seal.

We thank the Court for its consideration of this matter.

Respectfully submitted,
/s/ Dominique F. Saint-Fort
Dominique F. Saint-Fort
Assistant Corporation Counsel

cc: Marshall Bellovin (via ECF)
BALLON STOLL BADER &
NADLER, P.C.
729 Seventh Avenue, 17th Floor
New York, NY 10019
(212)575-7900

Granted.

SO ORDERED.

Paul A. Engelmayer
PAUL A. ENGELMAYER
United States District Judge

May 4, 2020